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ORIGINAL

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A bill to be entitled

An act relating to criminal justice; amending s. 921.0022, F.S.; ranking in the offense severity ranking chart of the Criminal Punishment Code several offenses relating to failure by a sexual predator or sexual offender to comply with certain reporting requirements; amending s. 943.04351, F.S.; requiring a search of the National Sex Offender Public Registry before a person may work or volunteer at a place where children regularly congregate; amending s. 948.063, F.S.; requiring that the court order electronic monitoring as a condition of probation or community control following a violation of probation or community control by certain offenders who are designated as sexual offenders or sexual predators; amending s. 948.30, F.S.; requiring that the court order mandatory electronic monitoring as a condition of probation or community control supervision for certain sex offenders whose crimes involved young children; amending s. 947.1405, F.S.; expanding the eligibility criteria for the conditional release program; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (g) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.--

(3) OFFENSE SEVERITY RANKING CHART

Florida

Felony

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29	Statute	Degree	Description
30			
31			
32		(g) LEVEL 7	
33	316.027 (1) (b)	2nd	Accident involving death, failure to stop; leaving scene.
34	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
35	316.1935 (3) (b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a

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patrol vehicle with  
siren and lights  
activated.

36

327.35 (3) (c) 2.

3rd

Vessel BUI resulting  
in serious bodily  
injury.

37

402.319 (2)

2nd

Misrepresentation  
and negligence or  
intentional act  
resulting in great  
bodily harm,  
permanent  
disfiguration,  
permanent  
disability, or  
death.

38

409.920 (2)

3rd

Medicaid provider  
fraud.

39

456.065 (2)

3rd

Practicing a health  
care profession  
without a license.

40

456.065 (2)

2nd

Practicing a health  
care profession  
without a license

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which results in  
serious bodily  
injury.

41

458.327(1)

3rd

Practicing medicine  
without a license.

42

459.013(1)

3rd

Practicing  
osteopathic medicine  
without a license.

43

460.411(1)

3rd

Practicing  
chiropractic  
medicine without a  
license.

44

461.012(1)

3rd

Practicing podiatric  
medicine without a  
license.

45

462.17

3rd

Practicing  
naturopathy without  
a license.

46

463.015(1)

3rd

Practicing optometry  
without a license.

47

464.016(1)

3rd

Practicing nursing  
without a license.

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48	465.015 (2)	3rd	Practicing pharmacy without a license.
49	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
50	467.201	3rd	Practicing midwifery without a license.
51	468.366	3rd	Delivering respiratory care services without a license.
52	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
53	483.901 (9)	3rd	Practicing medical physics without a license.
54	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.

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55	484.053	3rd	Dispensing hearing aids without a license.
56	494.0018 (2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
57	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
58	560.125 (5) (a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

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59	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
60	<u>775.21 (6) (g) 3.</u>	<u>2nd</u>	<u>Sexual predator</u> <u>vacating permanent</u> <u>residence; failure</u> <u>to comply with</u> <u>reporting</u> <u>requirements.</u>
61	<u>775.21 (6) (i)</u>	<u>3rd</u>	<u>Sexual predator</u> <u>intending to</u> <u>establish residence</u> <u>in another state;</u> <u>failure to comply</u> <u>with reporting</u> <u>requirements.</u>
62	<u>775.21 (6) (j)</u>	<u>2nd</u>	<u>Sexual predator</u> <u>remains in state</u> <u>after indicating</u> <u>intent to leave;</u> <u>failure to comply</u>

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63			<u>with reporting requirements.</u>
	775.21 (10) (a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
64			
	775.21 (10) (b)	3rd	Sexual predator working where children regularly congregate.
65			
	775.21 (10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
66			
	782.051 (3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted



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felony.

67

782.07(1)

2nd

Killing of a human  
being by the act,  
procurement, or  
culpable negligence  
of another  
(manslaughter).

68

782.071

2nd

Killing of human  
being or viable  
fetus by the  
operation of a  
motor vehicle in a  
reckless manner  
(vehicular  
homicide).

69

782.072

2nd

Killing of a human  
being by the  
operation of a  
vessel in a  
reckless manner  
(vessel homicide).

70

784.045(1)(a)1.

2nd

Aggravated battery;  
intentionally  
causing great  
bodily harm or

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disfigurement.

71

784.045 (1) (a) 2.

2nd

Aggravated battery;  
using deadly weapon.

72

784.045 (1) (b)

2nd

Aggravated battery;  
perpetrator aware  
victim pregnant.

73

784.048 (4)

3rd

Aggravated stalking;  
violation of  
injunction or court  
order.

74

784.048 (7)

3rd

Aggravated stalking;  
violation of court  
order.

75

784.07 (2) (d)

1st

Aggravated battery  
on law enforcement  
officer.

76

784.074 (1) (a)

1st

Aggravated battery  
on sexually violent  
predators facility  
staff.

77

784.08 (2) (a)

1st

Aggravated battery  
on a person 65 years

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of age or older.

78

784.081 (1)

1st

Aggravated battery  
on specified  
official or  
employee.

79

784.082 (1)

1st

Aggravated battery  
by detained person  
on visitor or other  
detainee.

80

784.083 (1)

1st

Aggravated battery  
on code inspector.

81

790.07 (4)

1st

Specified weapons  
violation subsequent  
to previous  
conviction of s.  
790.07(1) or (2).

82

790.16 (1)

1st

Discharge of a  
machine gun under  
specified  
circumstances.

83

790.165 (2)

2nd

Manufacture, sell,  
possess, or deliver  
hoax bomb.

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84	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
85	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
86	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
87	796.03	2nd	Procuring any person under 16 years for prostitution.
88	800.04 (5) (c) 1.	2nd	Lewd or lascivious

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89			molestation; victim less than 12 years of age; offender less than 18 years.
	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
90			
	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
91			
	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
92			
	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
93			
	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or

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battery.

94

812.014 (2) (a) 1.                      1st

Property stolen,  
valued at \$100,000  
or more; property  
stolen while causing  
other property  
damage; 1st degree  
grand theft.

95

812.014 (2) (b) 2.                      2nd

Property stolen,  
cargo valued at less  
than \$50,000, grand  
theft in 2nd degree.

96

812.014 (2) (b) 3.                      2nd

Property stolen,  
emergency medical  
equipment; 2nd  
degree grand theft.

97

812.0145 (2) (a)                      1st

Theft from person 65  
years of age or  
older; \$50,000 or  
more.

98

812.019 (2)                              1st

Stolen property;  
initiates,  
organizes, plans,  
etc., the theft of

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			property and traffics in stolen property.
99	812.131 (2) (a)	2nd	Robbery by sudden snatching.
100	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
101	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
102	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
103	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
104	817.2341 (2) (b) &	1st	Making false entries

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(3) (b)

of material fact or  
false statements  
regarding property  
values relating to  
the solvency of an  
insuring entity  
which are a  
significant cause of  
the insolvency of  
that entity.

105

825.102 (3) (b)

2nd

Neglecting an  
elderly person or  
disabled adult  
causing great bodily  
harm, disability, or  
disfigurement.

106

825.103 (2) (b)

2nd

Exploiting an  
elderly person or  
disabled adult and  
property is valued  
at \$20,000 or more,  
but less than  
\$100,000.

107

827.03 (3) (b)

2nd

Neglect of a child  
causing great bodily  
harm, disability,



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108			or disfigurement.
	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
109			
	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
110			
	838.015	2nd	Bribery.
111			
	838.016	2nd	Unlawful compensation or reward for official behavior.
112			
	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
113			
	838.22	2nd	Bid tampering.
114			
	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to

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115			commit an unlawful sex act.
	872.06	2nd	Abuse of a dead human body.
116			
	893.13 (1) (c) 1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
117			
	893.13 (1) (e) 1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03 (1) (a), (1) (b), (1) (d),

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			(2) (a), (2) (b), or (2) (c) 4., within 1,000 feet of property used for religious services or a specified business site.
118	893.13 (4) (a)	1st	Deliver to minor cocaine (or other s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4. drugs).
119	893.135 (1) (a) 1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
120	893.135 (1) (b) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
121	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.

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122	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
123	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
124	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
125	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
126	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
127			

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128	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4- Butanediol, 1 kilogram or more, less than 5 kilograms.
129	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
130	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
131	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
	943.0435 (4) (c)	2nd	Sexual offender vacating permanent

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			residence; failure to comply with reporting requirements.
132	<u>943.0435 (7)</u>	<u>3rd</u>	<u>Sexual offender</u> <u>intending to</u> <u>establish residence</u> <u>in another state;</u> <u>failure to comply</u> <u>with reporting</u> <u>requirements.</u>
133	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
134	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
135	943.0435 (13)	3rd	Failure to report or providing false information about a

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			sexual offender; harbor or conceal a sexual offender.
136	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
137	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
138	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
139	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
140			

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944.607(13)

3rd

Sexual offender;  
failure to report  
and reregister;  
failure to respond  
to address  
verification.

Section 2. Section 943.04351, Florida Statutes, is amended  
to read:

943.04351 Search of registration information regarding  
sexual predators and sexual offenders required prior to  
appointment or employment.--A state agency or governmental  
subdivision, prior to making any decision to appoint or employ a  
person to work, whether for compensation or as a volunteer, at  
any park, playground, day care center, or other place where  
children regularly congregate, must conduct a search of that  
person's name or other identifying information against the  
registration information regarding sexual predators and sexual  
offenders maintained by the Department of Law Enforcement under  
s. 943.043 and against the registration information regarding sex  
offenders maintained by the Federal Bureau of Investigation in  
the National Sex Offender Public Registry. The agency or  
governmental subdivision may conduct the search using the  
Internet site maintained by the Department of Law Enforcement.  
This section does not apply to those positions or appointments  
within a state agency or governmental subdivision for which a  
state and national criminal history background check is  
conducted.



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164 Section 3. Section 948.063, Florida Statutes, is amended to  
165 read:

166 948.063 Violations of probation or community control by  
167 designated sexual offenders and sexual predators.--If probation  
168 or community control for any felony offense is revoked by the  
169 court pursuant to s. 948.06(2)(e) and the offender is designated  
170 as a sexual offender pursuant to s. 943.0435 or s. 944.607 or as  
171 sexual predator pursuant to s. 775.21 for unlawful sexual  
172 activity involving a victim 15 years of age or younger and the  
173 offender is 18 years of age or older, and if the court imposes a  
174 subsequent term of supervision following the revocation of  
175 probation or community control, the court must order electronic  
176 monitoring as a condition of the subsequent term of probation or  
177 community control.

178 Section 4. Subsection (3) of section 948.30, Florida  
179 Statutes, is amended to read:

180 948.30 Additional terms and conditions of probation or  
181 community control for certain sex offenses.--Conditions imposed  
182 pursuant to this section do not require oral pronouncement at the  
183 time of sentencing and shall be considered standard conditions of  
184 probation or community control for offenders specified in this  
185 section.

186 (3) Effective for a probationer or community controllee  
187 whose felony offense ~~crime~~ was committed on or after September 1,  
188 2005, and who:

189 (a) Is placed on probation or community control for a  
190 violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071,  
191 or s. 847.0145 and the unlawful sexual activity involved a victim  
192 15 years of age or younger and the offender is 18 years of age or

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older;

(b) Is designated as a sexual predator pursuant to s. 775.21; or

(c) Has previously been convicted of a violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 and the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older,

the court must order, in addition to any other provision of this section, mandatory electronic monitoring as a condition of the probation or community control supervision.

Section 5. Subsection (2) of section 947.1405, Florida Statutes, is amended to read:

947.1405 Conditional release program.--

(2) Any inmate who:

(a) Is convicted of a crime committed on or after October 1, 1988, and before January 1, 1994, and any inmate who is convicted of a crime committed on or after January 1, 1994, which crime is or was contained in category 1, category 2, category 3, or category 4 of Rule 3.701 and Rule 3.988, Florida Rules of Criminal Procedure (1993), or is convicted of any offense committed on or after July 1, 2006, under the following statutory provisions:

1. Sexual performance by a child, under s. 827.071;

2. Selling or buying of minors, under s. 847.0145,

and who has served at least one prior felony commitment at a state or federal correctional institution;

(b) Is sentenced as a habitual or violent habitual offender

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222 or a violent career criminal pursuant to s. 775.084; or

223 (c) Is found to be a sexual predator under s. 775.21 or  
224 former s. 775.23,

225  
226 shall, upon reaching the tentative release date or provisional  
227 release date, whichever is earlier, as established by the  
228 Department of Corrections, be released under supervision subject  
229 to specified terms and conditions, including payment of the cost  
230 of supervision pursuant to s. 948.09. Such supervision shall be  
231 applicable to all sentences within the overall term of sentences  
232 if an inmate's overall term of sentences includes one or more  
233 sentences that are eligible for conditional release supervision  
234 as provided herein. Effective July 1, 1994, and applicable for  
235 offenses committed on or after that date, the commission may  
236 require, as a condition of conditional release, that the releasee  
237 make payment of the debt due and owing to a county or municipal  
238 detention facility under s. 951.032 for medical care, treatment,  
239 hospitalization, or transportation received by the releasee while  
240 in that detention facility. The commission, in determining  
241 whether to order such repayment and the amount of such repayment,  
242 shall consider the amount of the debt, whether there was any  
243 fault of the institution for the medical expenses incurred, the  
244 financial resources of the releasee, the present and potential  
245 future financial needs and earning ability of the releasee, and  
246 dependents, and other appropriate factors. If any inmate placed  
247 on conditional release supervision is also subject to probation  
248 or community control, resulting from a probationary or community  
249 control split sentence within the overall term of sentences, the  
250 Department of Corrections shall supervise such person according

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to the conditions imposed by the court and the commission shall defer to such supervision. If the court revokes probation or community control and resentences the offender to a term of incarceration, such revocation also constitutes a sufficient basis for the revocation of the conditional release supervision on any nonprobationary or noncommunity control sentence without further hearing by the commission. If any such supervision on any nonprobationary or noncommunity control sentence is revoked, such revocation may result in a forfeiture of all gain-time, and the commission may revoke the resulting deferred conditional release supervision or take other action it considers appropriate. If the term of conditional release supervision exceeds that of the probation or community control, then, upon expiration of the probation or community control, authority for the supervision shall revert to the commission and the supervision shall be subject to the conditions imposed by the commission. A panel of no fewer than two commissioners shall establish the terms and conditions of any such release. If the offense was a controlled substance violation, the conditions shall include a requirement that the offender submit to random substance abuse testing intermittently throughout the term of conditional release supervision, upon the direction of the correctional probation officer as defined in s. 943.10(3). The commission shall also determine whether the terms and conditions of such release have been violated and whether such violation warrants revocation of the conditional release.

Section 6. This act shall take effect July 1, 2006.